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Attorneys for Plaintiff  
United States of America

FILED

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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY:

DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$18,152.00 IN US CURRENCY,

ONE 2002 VOLKSWAGEN JETTA,  
BAJA CA LICENSE NO. AHF7024,  
VIN# 3VWRV09M92M145274, ITS  
TOOLS AND APPURTENANCES,

Defendants.

Civil No. **08 CV 0577 WQH JMA**

COMPLAINT FOR  
FORFEITURE

By way of complaint against the defendants,

\$18,152.00 IN US CURRENCY, and

ONE 2002 VOLKSWAGEN JETTA BAJA CA LICENSE NO. AHF7024  
VIN# 3VWRV09M92M145274, ITS TOOLS AND APPURTENANCES,

(hereinafter "defendants"), the United States of America alleges:

1. This Court has jurisdiction over this action by virtue of the provisions of Title 28, United States Code, Section 1355, and Title 21, United States Code, Section 881.

2. Venue is proper in this district pursuant to Title 28, United States Code, Section 1395, because the defendants were found within this district.

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2008V00059:DMM:tlr

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1           3.     On November 2, 2006, Drug Enforcement Agents requested a court ordered wiretap for  
2 authorization to intercept communications from a Mexican Nextel cellular telephone. The order was  
3 signed by a San Diego Superior Court Judge. The request was part of an investigation into a source of  
4 supply for kilogram quantities of cocaine in Souther California. During the first couple weeks of the  
5 wiretap, agents intercepted drug related phone calls.

6           On November 19, 2006, agents intercepted calls between an individual known as  
7 "Rambo", and another individual known as "Valentin." Valentin was the owner of the cellular phone  
8 targeted by the wiretap. Valentin lives in Mexico and his last name is unknown. Through their training  
9 and experience, agents believed the conversations pertained to a currency pick up by a courier the next  
10 day. On November 20, 2006, agents intercepted a call between Valentin and Rene Camacho-Garcia  
11 agreeing to meet at a restaurant in Tijuana. Shortly after that call another call was placed by Valentin  
12 to an individual identified as Alex. Valentin told Alex he was going to meet "Facheli" to give him \$100  
13 for gas. About two hours later, another call was placed from Rambo to Valentin. During this call,  
14 Valentin told Rambo to expect a call from his man Facheli because he was going to come pick up the  
15 paper that was missing. Agents believed this to be code for currency. Valentin also told Rambo it would  
16 be Facheli's first time going there. About a minute later Valentin placed another call to Rambo, and  
17 told him to remind Facheli to give Rambo the medicine he had asked for. He also said Facheli would  
18 meet him in one to one and a half hours.

19           Later that same day at approximately 2:40 p.m., agents set up surveillance at the residence  
20 of Rambo. At 3:00 p.m. agents observed Rambo leave his residence and drive past them. Agents  
21 followed him to an El Pollo Loco Restaurant located near by. Rambo pulled into a parking space two  
22 spaces away from a red Volkswagen Jetta bearing Baja California license plate AHF7024. The Jetta  
23 was registered to Maria Amparo. Agents observed a male later identified as Rene Camacho-Garcia exit  
24 the El Pollo Loco restaurant and remove a small brown bag from inside the Jetta. Camacho-Garcia  
25 walked to the drivers side of Rambo's vehicle and handed Rambo the bag. Rambo then handed back  
26 to Camacho-Garcia a light colored bag. Camacho-Garcia returned to the Jetta and opened the passenger  
27 door. Both individuals then left the parking lot in their respective vehicles.

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1 Agents maintained surveillance on the Jetta and Camacho-Garcia as he proceeded down  
2 the 5 freeway south towards San Diego. During this time, a call was intercepted between Valentin and  
3 Rambo. Valentin asked Rambo if he had already seen the guy, and Rambo responded that the guy had  
4 already left. One minute later Valentin called Camacho-Garcia and Camacho-Garcia told Valentin the  
5 guy gave him the pieces already. A short time later, Valentin called Camacho-Garcia again and during  
6 this call Camacho-Garcia told Valentin he was being followed and that he was going to get off the  
7 freeway. Valentin responded by telling Camacho-Garcia not to worry because it was only 17 pesos, a  
8 statement the agents understood to mean \$17,000.00 in U.S. currency. The Jetta did exit the freeway,  
9 and agents requested a marked unit with the Carlsbad police department to conduct a traffic stop on the  
10 Jetta. During this traffic stop, Camacho-Garcia was identified as the driver of the Jetta. During the stop,  
11 Carlsbad police officers and California Highway Patrol officers located \$18,152.00 in US Currency with  
12 the help of a narcotics detection trained canine. The currency was located in the hollowed-out portion  
13 of the passenger side air bag. Additional calls between Camacho-Garcia and Valentin were intercepted  
14 after the currency had been seized. The subject of the calls was the fact that the currency had been  
15 seized.

16 Count 1

17 \$18,152.00 IN US CURRENCY

18 4. Paragraphs 1-3 are incorporated as a part hereof.

19 5. On and/or prior to November 20, 2006, the defendant currency was a thing of value  
20 furnished or intended to be furnished in exchange for a controlled substance or listed chemical in  
21 violation of Title 21 of the United States Code, Section 881.

22 6. Alternatively, on and/or prior to November 20, 2006 the defendant currency represented  
23 the proceeds of or proceeds traceable to an exchange for a controlled substance or listed chemical in  
24 violation of Title 21 of the United States Code, Section 881.

25 7. Alternatively, on and/or prior to November 20, 2006, the defendant currency was used  
26 or was intended to be used to facilitate a violation of Title 21 of the United States Code, Section 881.

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1 8. Because of the aforementioned acts or uses alleged herein, either singly or in  
2 combination, the Count 1 defendant vehicle is subject to forfeiture pursuant to Title 21, United States  
3 Code, Section 881(a)(6).

4 9. The Count 1 defendant currency is presently stored within the jurisdiction of this Court.

5 Count 2

6 ONE 2002 VOLKSWAGEN JETTA

7 10. Paragraphs 1-3 are incorporated as a part hereof.

8 11. On and/or prior to November 20, 2006, the Count 2 defendant vehicle was a thing of  
9 value furnished or intended to be furnished in exchange for a controlled substance or listed chemical in  
10 violation of Title 21 of the United States Code, Section 881(a)(6).

11 12. Alternatively, on and/or prior to November 20, 2006, the Count 2 defendant vehicle was  
12 used and was intended to be used to transport and/or to facilitate the transportation, and/or sale, and/or  
13 receipt, and/or possession, and/or concealment of a controlled substance in violation of Title 21 of the  
14 United States Code, Section 881(a)(4).

15 13. Because of the aforementioned acts or uses alleged herein, either singly or in  
16 combination, the Count 2 defendant vehicle is subject to forfeiture pursuant to Title 21, United States  
17 Code, Section 881(a)(6) and (a)(4).

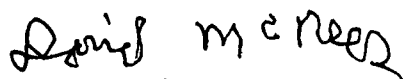
18 14. The Count 2 defendant vehicle is presently stored within the jurisdiction of this Court.

19 15. The value of the defendant vehicle is approximately \$8,200.00.

20 WHEREFORE, the United States prays that due process issue to enforce the forfeiture of the  
21 defendants, and that due notice be given to all interested parties to appear and show cause why said  
22 forfeiture should not be declared.

23 DATED: March 27, 2008

24 KAREN P. HEWITT  
United States Attorney

25   
26 DAVID M. McNEES  
27 Special Assistant U.S. Attorney  
28

VERIFICATION

I, Robert Saccone, hereby state and declare as follows:

1. I am a Special Agent with the United States Drug Enforcement Administration.
2. I have read the foregoing complaint and know its contents.
3. The information in the complaint was furnished by official Government sources. Based on this information, I believe the allegations in the complaint to be true.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief,

Executed on 3/27/2008



ROBERT SACCONI, Special Agent  
Drug Enforcement Administration

JS44

(Rev. 07/89)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

## I (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

San Diego

(EXCEPT IN U.S. PLAINTIFF CASES)

## DEFENDANTS

\$18,152.00 IN US CURRENCY, et al.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

SAUSA DAVID M. MCNEES  
880 FRONT STREET, ROOM 6293  
SAN DIEGO, CA 92101-8893  
(619) 557-5979

ATTORNEYS (IF KNOWN)

RICHARD M. BARNETT, ESQ.  
105 WEST F STREET, 4TH FLOOR  
SAN DIEGO CA 92101  
(619) 231-1182

## II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

☒ 1U.S. Government Plaintiff

☐ 3Federal Question  
(U.S. Government Not a Party)

☐ 2U.S. Government

☐ 4Diversity (Indicate  
Citizenship of Parties in Item  
III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PT	DEF		PT	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

TITLE 21, UNITED STATES CODE, SECTION 881(a)(6) and (a)(4)

## V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 315 Airplane Product	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 320 Assault, Libel & Liability	<input type="checkbox"/> 368 Asbestos Personal Product Liability	<input checked="" type="checkbox"/> 625 Drug Related of Property 21 USC881	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce/ICC
<input type="checkbox"/> 150 Recovery of Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 861 NIA (13958)	<input type="checkbox"/> 470 Racketeer Influenced Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 660 Occupational	<input type="checkbox"/> 862 DIWC/DIWW (405(g))	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Veterans Benefits	<input type="checkbox"/> 355 Motor Vehicle Liability		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 881D Title XVI	<input type="checkbox"/> 850 Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 360 Other Personal		<input type="checkbox"/> 710 Fair Labor Standards 720 Labor/Mgmt. Relations	<input type="checkbox"/> 865 RBI (405(g))	<input type="checkbox"/> 875 Customer Challenge
<input type="checkbox"/> Other Contract			<input type="checkbox"/> 730 Labor/Mgmt. Disclosure Act	<input type="checkbox"/> FEDERAL TAX SUITS	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 870 Taxes (U.S. or Defendant)	<input type="checkbox"/> 892 Economic
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 790 Other Labor	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Habeas Corpus	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		<input type="checkbox"/> 894 Energy Allocation
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General			<input type="checkbox"/> 895 Freedom of
<input type="checkbox"/> 230 Rent Lease &	<input type="checkbox"/> 443	<input type="checkbox"/> 535 Death Penalty			<input type="checkbox"/> 900 Appeal of Fee Under Equal Access to
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other			<input type="checkbox"/> 950 Constitutionality of
<input type="checkbox"/> 245 Tort Product	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory
<input type="checkbox"/> 290 All Other Real		<input type="checkbox"/> 555 Prisoner Conditions			

## VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

☒ 1 Original Proceeding    ☐ 2 Removal from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from another district (specify)    ☐ 6 Multidistrict Litigation    ☐ 7 Appeal to District Judge from Magistrate Judgment

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☒ NO

## VIII. RELATED CASE(S) IF ANY (See

JUDGE

Docket Number

DATE

March 27, 2008

SIGNATURE OF ATTORNEY OF RECORD

DAVID M. MCNEES, SAUSA

David M. McNees